

REMARKS

In the non-final Office Action dated April 15, 2008, it is noted that claims 1 – 20 are pending in the application.

In the present amendment, the drawings, figure 1, has been amended, and claims 1 – 20 have been amended.

The independent claims are amended to include, for example: a delay element for delaying one of the first and second decoded frequency band signals, so as to compensate for various delays during the decoding of the first and second encoded frequency band signals. The support for this amendment may be found in Applicants' specification, for example, Fig. 2, and from page 8, line 31 through page 9, line 2.

Other amendments are made for non-statutory reasons: to correct one or more informalities, remove figure label number(s), and/or to replace European-style claim phraseology with American-style claim language. The claims are not narrowed in scope and no new matter is added.

Drawings

The Office Action objects to Fig. 1 in the drawings for an informality. In the present amendment, the drawings have been amended to obviate this objection. No new matter has been added. Withdrawal of the objection to the drawings is respectfully requested.

Specification

The Office Action objects to the specification for not being broken into sections with corresponding section headings.

Applicant thanks the Examiner for providing information about recommended section headings. However, Applicant respectfully declines to add the headings. Section headings are not statutorily required for filing a non-provisional patent application under 35 USC 111(a), but per 37 CFR 1.51(d) are only guidelines that are suggested for applicant's use. (See Miscellaneous Changes in Patent Practice, Response to comments 17 and 18 (Official Gazette, August 13, 1996) [Docket No: 950620162-6014-02] RIN 0651-AA75 ("Section 1.77 is permissive rather than mandatory. ... [T]he Office will not require any application to comply with the format set forth in 1.77").

Accordingly, withdrawal of this objection to the specification is respectfully requested.

35 U.S.C. §103

The Office Action rejects claims 1, 2, 4 – 6, 8 – 10, 12 – 14, 16 – 18 and 20 under 35 U.S.C. §103(a) over Chai (U. S. Patent: 6,137,915) in view of the Applicant's alleged admitted prior art (hereinafter, "AAPA").

Applicant submits that for at least the following reasons, claims 1, 2, 4 – 6, 8 – 10, 12 – 14, 16 – 18 and 20 are patentable over Chai and AAPA, either singly or in combination.

For example, amended claim 1 requires:

“a delay element for delaying one of the first and second decoded frequency band signals, so as to compensate for various delays during the decoding of the first and second encoded frequency band signals.”

Applicant submits that nothing in Chai teaches or suggests any delay element or any delaying of the signals. Therefore, Chai does not disclose at least the above mentioned features of claim 1.

Furthermore, Applicant submits that AAPA likewise does not disclose any delay element or any delaying of the signals. Therefore, the combination of references fails to teach or suggest each and every feature in claim 1. In view of the foregoing, Applicant submits that claim 1 is patentable over Chai and AAPA, either singly or in combination.

Independent claims 5, 9, 13 and 17 are also patentable because they contain at least the features of a delay element for delaying one of the first and second decoded frequency band signals, so as to compensate for various delays during the decoding of the first and second encoded frequency band signals. As pointed out above, the combination of references fails to teach or suggest at least this feature.

Claims 2, 4, 6, 8, 10, 12, 14, 16, 18 and 20 are patentable because they each depend from one of claims 1, 5, 9, 13 and 17, with each dependent claim containing further distinguishing features. Withdrawal of the rejection of claims 1, 2, 4 – 6, 8 – 10, 12 – 14, 16 – 18 and 20 under 35 U.S.C. §103(a) is respectfully requested.

The Office Action also rejects claims 3, 7, 11, 15 and 19 under 35 U.S.C. §103(a) over Chai in view of AAPA, and further in view of Zinser (U.S. Patent 5,384,793).

Applicant submits that the secondary reference Zinser fails to cure the defects pointed out above with respect to the combination of Chai and AAPA, because Zinser does not suggest any delay element or any delaying of the signals. Therefore, claims 3, 7, 11, 15 and 19 are patentable because they respectively depend from claims 1, 5, 9, 13 and 17, with each claim containing further distinguishing features. Withdrawal of the rejection of claims 3, 7, 11, 15 and 19 under 35 U.S.C. §103(a) is respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

/Brian S. Myers/

By: Brian S. Myers
Registration No.: 46,947
For: Eric Bram
Registration No.: 37,285

Please Address All Correspondence to:

Eric Bram, Registration No. 37,285
Phone: (914) 333-9635
CUSTOMER NUMBER 24737